

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections:**

**Amend sections: 2920**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2019-0222-02**

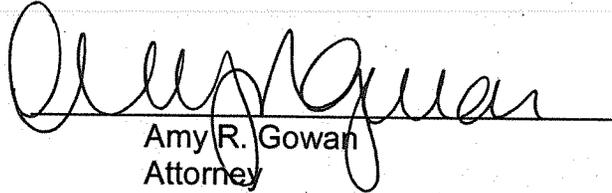
**OAL Matter Type: Regular (S)**

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This action, submitted pursuant to Government Code section 11353, amends the Water Quality Control Policy for Recycled Water to remove statewide mandates, set narrative goals, establish reporting requirements, clarify compliance with wastewater change petitions, update requirements for salt and nutrient management planning, update permitting guidelines, and update monitoring requirements for constituents of emerging concern. This amendment was approved by the State Water Resources Control Board on December 11, 2018, in Resolution 2018-0057.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

**Date:** April 8, 2019

  
Amy R. Gowan  
Attorney

**Original:** Eileen Sobeck, Executive  
Director

**Copy:** Laura McLellan

STD. 400 (REV. 01/2013)

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-	<b>REGULATORY ACTION NUMBER</b> 2019-0222-02S	<b>EMERGENCY NUMBER</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

APR 08 2019  
1:41 pm

2019 FEB 22 P 1:35  
OFFICE OF  
ADMINISTRATIVE LAW

<b>AGENCY WITH RULEMAKING AUTHORITY</b> State Water Resources Control Board	<b>AGENCY FILE NUMBER (if any)</b>
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Recycled Water Policy Amendment	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND 2920
TITLE(S) 23	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Govt. Code § 11353</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))  Effective on filing with Secretary of State  §100 Changes Without Regulatory Effect  Effective other (Specify) Upon approval (Govt. Code § 11353)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)  Fair Political Practices Commission  State Fire Marshal

Other (Specify)

7. CONTACT PERSON Laura McLellan	TELEPHONE NUMBER (916) 319-8288	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) laura.mclellan@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 2/22/19
TYPED NAME AND TITLE OF SIGNATORY Karen Mogus, Deputy Director, Division of Water Quality	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

APR 08 2019

Office of Administrative Law

## Concise Summary of Regulatory Provisions

### Title 23. Waters

#### Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

#### Chapter 22. State Policy for Water Quality Control

#### § 2920. "Water Quality Control Policy for Recycled Water (Recycled Water Policy)"

On February 3, 2009, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2009-0011, which adopted the Recycled Water Policy. In adopting the Recycled Water Policy, the State Water Board intended to establish consistent and predictable requirements in order to increase the use of recycled water in California. The regulatory provisions of this policy establish mandates for the use of recycled water; require the development by stakeholders and the adoption by Regional Water Quality Control Boards of regional salt/nutrient management plans; establish requirements for regulating incidental runoff from landscape irrigation with recycled water; establish criteria and procedures for recycled water landscape irrigation projects eligible for streamlined permitting; establish procedures for permitting groundwater recharge projects; establish procedures for implementing State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" for recycled water projects; require the establishment of a scientific advisory panel to advise the State Water Board on regulation of constituents of emerging concern; and establish actions and incentives to promote the use of recycled water.

On January 22, 2013, the State Water Resources Control Board adopted Resolution No. 2013-0003, which approved an amendment to its Recycled Water Policy. The amendment (1) provides a reduction of priority pollutant monitoring of recycled water used for landscape irrigation and (2) establishes monitoring requirements for constituents of emerging concern and surrogates for recycled water used for groundwater recharge via subsurface and surface application. These monitoring requirements are to be included in the monitoring and reporting programs for water recycling facilities that use recycled water for landscape irrigation or for groundwater recharge to augment municipal water supply.

On December 11, 2018, the State Water Board adopted Resolution No. 2018-0057, which approved an amendment to its Recycled Water Policy. The amendment (1) removes statewide recycled water mandates, (2) sets narrative goals for the production and use of recycled water, (3) establishes treated wastewater and recycled water reporting requirements statewide, (4) clarifies the process for recycled water project proponents to comply with Water Code section 1211 for wastewater change petitions, (5) updates requirements for salt and nutrient management planning, (6) improves consistency in permitting of recycled water projects by encouraging the use of statewide water reclamation requirements for non-potable recycled water use, removing streamlined permitting criteria for landscape irrigation recycled water projects, and adding permitting guidance for reservoir water augmentation projects, (7) updates monitoring requirements for constituents of emerging concern (CECs) in recycled water used for groundwater recharge and reservoir water augmentation, and (8) incorporates other substantive and non-substantive changes.